

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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MAILED

JUN 20 1995

PAT.&T.M. OFFICE  
BOARD OF PATENT APPEALS  
AND INTERFERENCES

Ex parte THOMAS F. DEUEL,  
YEU-SHENG LI, NED R. SIEGEL  
and  
PETER G. MILNER

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Appeal No. 92-3627  
Application 07/542,232<sup>1</sup>

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ON BRIEF

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Before WINTERS, WILLIAM F. SMITH and ELLIS, Administrative Patent Judges.

WILLIAM F. SMITH, Administrative Patent Judge.

REMAND

This case is before the board following the decision of the Court of Appeals for the Federal Circuit, In re Deuel, \_\_\_ F.3d \_\_\_, 34 USPQ2d 1210 (Fed. Cir. 1995), reversing the decision of the board. We direct the examiner's attention to the comment made by the court in Deuel, at \_\_\_ F.3d \_\_\_, 34 USPQ2d

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<sup>1</sup> Application for patent filed June 21, 1990. According to applicants, the application is a continuation-in-part of Serial No. 07/462,156, filed January 8, 1990, abandoned.

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1216, regarding whether claims 4 and 6 are adequately supported by the disclosure of the application, i.e., do claims 4 and 6 satisfy the enablement requirement of 35 U.S.C. § 112, first paragraph. Accordingly, we remand this application to the examiner so that the examiner can determine in the first instance whether claims 4 and 6 satisfy the enablement requirement of the statute.

**REMANDED**

*Sherman D. Winters*  
SHERMAN D. WINTERS  
Administrative Patent Judge

  
WILLIAM F. SMITH  
Administrative Patent Judge

*Joan Ellis*  
JOAN ELLIS  
Administrative Patent Judge

**BOARD OF PATENT  
APPEALS AND  
INTERFERENCES**

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